

REMARKS

This Amendment is in response to the Notice of Allowability mailed 12/26/2006. In an Examiner's Amendment, the Examiner amended claims 11 and 41. Applicant respectfully requests further amendment of claims 11 and 41 to correct claiming of less than the applicant has the right to claim in the patent.

Examiner's Amendment of Claims 11 and 41

The Examiner amended claims 11 and 41 to replace "article of manufacture comprising one of a processor readable medium and a computer data signal" with --article of manufacture comprising a processor--.

Applicant respectfully submits that the Examiner's amendment entirely changes the character of the subject matter claimed and causes the applicant to claim less than the applicant has the right to claim in the patent. Applicant requests that claims 11 and 41 be amended to replace "article of manufacture comprising a processor" with --article of manufacture comprising a processor readable storage device--.

Applicant respectfully submits:

(A) that the amendment is needed to properly claim subject matter that the applicant regards as the invention;

(B) the proposed amended claims require no additional search or examination because the amendment relates only to claiming of propagated signals;

(C) the claims as amended are patentable because they are limited to a "processor readable storage device" and propagated signals do not have the ability to store information; and

(D) the amendments were not presented earlier because they are in response to a newly presented Examiner's amendment.

Applicant notes that the amendments requested herein are not for the purpose of distinguishing the claimed invention from the prior art and broadening these claims by removing limitations added would not be barred by the doctrine of recapture. Applicant disagrees with the position of the Office that propagated signals represent unpatentable subject matter under 35 U.S.C. § 101. Applicant has amended the claims only to expedite prosecution and applicant reserves the right to seek broader claims that include a computer data signal.

Conclusion

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that the requested amendments be entered and the application passed on to Issue.